

1 **LAW OFFICES OF DALE K. GALIPO**
2 Dale K. Galipo, Esq. (SBN 144074)
3 dalekgalipo@yahoo.com
4 Marcel F. Sincich, Esq. (SBN 319508)
5 msincich@galipolaw.com
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
Tel: (818) 347-3333
Fax: (818) 347-4118

6 **LAW OFFICES OF GRECH & PACKER**
7 Trenton C. Packer (SBN 241057)
tpacker@grechpackerlaw.com
7095 Indiana Ave Ste 200
8 Riverside, CA 92506
9 Tel: (951) 682-9311

10 *Attorneys for Plaintiff*

11

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 EDGAR SOLIS,

15 Plaintiff,

16 vs.

17 COUNTY OF RIVERSIDE; STATE
18 OF CALIFORNIA; SALVADOR
19 WALTERMIRE; MICHAEL BELL,
20 and DOES 1-10, inclusive,

21 Defendants.

22 Case No.: 5:23-cv-00515-HDV-JPR

23 Assigned to:

24 *Hon. Hernán D. Vera*
Hon. Jean P. Rosenbluth

25 **FIRST AMENDED COMPLAINT
FOR DAMAGES**

- 26
- 27
- 28
1. Fourth Amendment—Excessive Force (42 U.S.C. §1983)
 2. Municipal Liability—Ratification (42 U.S.C. §1983)
 3. Municipal Liability—Inadequate Training (42 U.S.C. §1983)
 4. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. §1983)
 5. Battery
 6. Negligence
 7. Violation of Cal. Civil Code §52.1

29 **DEMAND FOR JURY TRIAL**

1 **FIRST AMENDED COMPLAINT FOR DAMAGES**

2 COMES NOW, Plaintiff EDGAR SOLIS, for his Complaint against
3 Defendants COUNTY OF RIVERSIDE, STATE OF CALIFORNIA; DEPUTY
4 SALVADOR WALTERMIRE; OFFICER MICHAEL BELL; and DOES 1-10,
5 inclusive, and allege as follows:

6

7 **JURISDICTION AND VENUE**

8 1. This Court has jurisdiction over the present matter because, as delineated
9 herein, the nature of the claims and the amount in controversy meet the requirements
10 for jurisdiction in the Superior Court of the State of California.

11 2. Venue is proper in this Court under Section 395(a) of the California
12 Code of Civil Procedure because Defendants reside in the County of Riverside and
13 all incidents, events, and occurrences giving rise to this action occurred in the County
14 of Riverside, California.

15

16 **INTRODUCTION**

17 3. This civil rights and state tort action arises out of the March 2, 2022, use
18 of excessive and unreasonable force, including deadly force, on Plaintiff EDGAR
19 SOLIS by Defendant Deputy SALVADOR WALTERMIRE, a COUNTY OF
20 RIVERSIDE Sheriff's Deputy, and Officer MICHAEL BELL, a STATE OF
21 CALIFORNIA Highway Patrol Officer. Plaintiff seeks compensatory damages,
22 punitive damages, attorneys' fees, and costs from Defendants for violating various
23 rights guaranteed to Plaintiff by the Bill of Rights, the United States Constitution, the
24 California Constitution, and the laws of the State of California.

25 4. Defendants SALVADOR WALTERMIRE, MICHAEL BELL, and
26 DOES 1-10, inclusive, caused various injuries by directly shooting Plaintiff who was
27 not an immediate threat of death or serious bodily injury as described herein, and/or
28 by integrally participating or failing to intervene in the use of excessive and

1 unreasonable force used against Plaintiff.

2 5. This action is in the public interest as Plaintiff seeks by means of this
3 action to hold accountable those responsible for the shooting, and serious bodily
4 injury inflicted by Defendants.

PARTIES

7 6. At all relevant times, Plaintiff EDGAR SOLIS (“SOLIS”) is and was an
8 individual residing in the County of Riverside, California.

9 7. At all relevant times, Defendant COUNTY OF RIVERSIDE
10 (“COUNTY”) is and was a municipal corporation existing under the laws of the State
11 of California. COUNTY is a chartered subdivision of the State of California with the
12 capacity to be sued. COUNTY is responsible for the actions, omissions, policies,
13 procedures, practices, and customs of its various agents and agencies, including the
14 Riverside County Sheriff’s Department (“RCSD”) and its agents and employees. At
15 all relevant times, Defendant COUNTY was responsible for assuring that the actions,
16 omissions, policies, procedures, practices, and customs of the RCSD and its
17 employees and agents complied with the laws of the United States and of the State of
18 California. At all relevant times, COUNTY was the employer of Defendant DEPUTY
19 WALTERMIRE and DOES 1-4, inclusive. As set forth below, Plaintiff SOLIS
20 alleges that Defendant COUNTY is directly liable for compensatory damages under
21 federal law pursuant to *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978) and
22 its progeny. Plaintiff SOLIS further alleges that Defendant COUNTY is vicariously
23 liable for compensatory damages under Plaintiff’s state law claims, given Plaintiff’s
24 allegations that the officers who committed the acts and omissions complained of
25 herein were acting in the course and scope of their employment at the time that the
26 acts and omissions occurred. Plaintiff makes no claim for punitive damages against
27 the Defendant COUNTY.

28 | / / /

1 8. At all relevant times, Defendant SALVADOR WALTERMIRE
2 (“WALTERMIRE”) was a duly appointed COUNTY Sheriff’s Deputy and/or
3 employee or agent of COUNTY, subject to the oversight and supervision of
4 COUNTY’S elected and non-elected officials. At all relevant times, Defendant
5 WALTERMIRE acted under color of law, to wit, under the color of the statutes,
6 ordinances, regulations, policies, customs, and usages of Defendant COUNTY, the
7 RCSD, and under the color of the statutes and regulations of the State of California.
8 At all relevant times, Defendant WALTERMIRE acted within the course and scope
9 of his employment as a COUNTY Sheriff’s Deputy. On information and belief,
10 Defendant WALTERMIRE is and was at all relevant times a resident of this judicial
11 district. Defendant WALTERMIRE used excessive and unreasonable deadly force
12 against Plaintiff SOLIS.

13 9. At all relevant times, Defendants DOES 1-4 (“DOE DEPUTIES”) are
14 Sheriff’s Deputies for the RCSD, including but not limited to patrol deputies, crisis
15 negotiations officers, corporals, sergeants, field training officers, dispatchers, and
16 other deputies and agent of RCSD. DOE DEPUTIES were acting under color of law
17 within the course and scope of their duties as officers for the RCSD. DOE
18 DEPUTIES were acting with complete authority and ratification of their principal,
19 Defendant COUNTY.

20 10. Defendants DOES 5-6 (“DOE SUPERVISORS”) are supervisory
21 officers, officials, agents, and/or employees for the RCSD who were acting under
22 color of law within the course and scope of their duties as officials for the RCSD.
23 DOE SUPERVISORS were acting with complete authority and ratification of their
24 principal, Defendant COUNTY. Defendants DOE SUPERVISORS are managerial,
25 supervisorial, and policymaking employees of the RCSD, who were acting under
26 color of law within the course and scope of their duties as managerial, supervisorial,
27 and policymaking employees for the RCSD. DOE SUPERVISORS were acting with
28 complete authority and ratification of their principal, Defendant COUNTY.

1 11. At all relevant times, Defendant STATE OF CALIFORNIA (“STATE”)
2 has the capacity to be sued. STATE is responsible for the actions, omissions, policies,
3 procedures, practices, and customs of its various agents and agencies, including the
4 California Highway Patrol (“CHP”) and its agents and employees. At all relevant
5 times, Defendant STATE was responsible for assuring that the actions, omissions,
6 policies, procedures, practices, and customs of the CHP and its employees and agents
7 complied with the laws of the United States and of the State of California. At all
8 relevant times, STATE was the employer of Defendants MICHAEL BELL and
9 DOES 8-10, inclusive. Defendant STATE and CHP are not being sued individually
10 or directly by this action but are parties to this action under the theory of respondeat
11 superior as Defendant STATE is vicariously liable for the actions of its CHP officers.

12 12. At all relevant times, Defendant MICHAEL BELL (“BELL”) was a duly
13 appointed CHP Officer and/or employee or agent of STATE via CHP, subject to the
14 oversight and supervision of STATE’S and CHP’S elected and non-elected officials.
15 At all relevant times, Defendant BELL acted under color of law, to wit, under the
16 color of the statutes, ordinances, regulations, policies, customs, and usages of
17 Defendant STATE, CHP, and under the color of the statutes and regulations of the
18 State of California. At all relevant times, Defendant BELL acted within the course
19 and scope of his employment as a STATE CHP officer. On information and belief,
20 Defendant BELL is and was at all relevant times a resident of this judicial district.
21 Defendant BELL used excessive and unreasonable deadly force against Plaintiff
22 SOLIS.

23 13. At all relevant times, Defendant DOES 8-10 (“DOE OFFICERS”) were
24 and are duly appointed CHP officers and/or employees or agents of Defendant
25 STATE, including but not limited to patrol officers, crisis negotiations officers,
26 corporals, sergeants, and field training officers, subject to the oversight and
27 supervision of STATE’S elected and non-elected officials. At all relevant times, DOE
28 OFFICERS acted under color of law, to wit, under the color of the statutes,

1 ordinances, regulations, policies, customs, and usages of Defendant STATE, the
2 CHP, and under the color of the statutes and regulations of the State of California. At
3 all relevant times, DOE OFFICERS acted within the course and scope of his
4 employment as a STATE officer. On information and belief, DOE OFFICERS are
5 and were at all relevant times residents of this judicial district. Defendant DOE
6 OFFICERS used excessive and unreasonable deadly force against Plaintiff SOLIS.
7 This action is being brought against Defendant DOE OFFICERS in their individual
8 capacity only.

9 14. The true names and capacities, whether individual, corporate,
10 association or otherwise of Defendants DOES 1-10, inclusive, are unknown to
11 Plaintiff, who otherwise sue these Defendants by such fictitious names. Plaintiff will
12 seek leave to amend this complaint to show the true names and capacity of these
13 Defendants when they have been ascertained. Each of the fictitiously named
14 Defendants is responsible in some manner for the conduct or liabilities alleged
15 herein.

16 15. At all times mentioned herein, each and every defendant was the agent
17 of each and every other defendant and had the legal duty to oversee and supervise the
18 hiring, conduct, and employment of each and every defendant.

19 16. All the acts complained of herein by Plaintiff against Defendants were
20 done and performed by said Defendants by and through their authorized agents,
21 servants, and/or employees, all of whom at all relevant times herein were acting
22 within the course, purpose, and scope of said agency, service, and/or employment
23 capacity. Also, Defendants and their agents ratified all the acts complained herein.

24 17. All Defendants who are natural persons, including Defendants
25 WALTERMIRE, BELL and DOES 1-10, inclusive, are sued in their individual
26 capacities, and punitive damages are only being requested as to these Defendants
27 only, and not Defendants COUNTY or STATE.

28 ///

1 18. Pursuant to Cal. Govt. Code §815.2(a), Defendants COUNTY and
2 STATE are vicariously liable for the nonfeasance and malfeasance of the individual
3 Defendants, including Defendants WALTERMIRE, BELL and DOES 1-10,
4 inclusive, as alleged by Plaintiff's state law claims. ("A public entity is liable for
5 injury proximately caused by an act or omission of an employee of the public entity
6 within the scope of his employment if the act or omission would, apart from this
7 section, have given rise to a cause of action against that employee or his personal
8 representative."). The individual Defendants, including Defendants WALTERMIRE,
9 BELL and DOES 1-10, inclusive, are liable for their nonfeasance and malfeasance
10 pursuant to Cal. Civ. Code §820(a). Defendant COUNTY and STATE are also liable
11 pursuant to Cal. Govt. Code §815.6.

12 19. On or about July 22, 2022, Plaintiff served a comprehensive and timely
13 government tort claim for damages with COUNTY and STATE pursuant to
14 applicable sections of the California Government Code.

15 20. The COUNTY denied Plaintiff's claim on August 15, 2022. The STATE
16 failed to respond to Plaintiff's claim and therefore it was deemed rejected by
17 operation of law on September 5, 2022.

18

19 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

20 21. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
21 through 20 of this Complaint with the same force and effect as if fully set forth
22 herein.

23 22. On March 2, 2022, at approximately 4:09 p.m., at or around the 600
24 block of Hillmer Drive, in the City of Hemet, County of Riverside, California,
25 Defendants BELL, WALTERMIRE and DOES 1-10 used deadly force against
26 Plaintiff SOLIS.

27 23. The use of deadly force against Plaintiff SOLIS by Defendants BELL,
28 WALTERMIRE and DOES 1-10 was excessive and unreasonable because at the

1 time deadly force was used, Plaintiff SOLIS was not an immediate threat of death or
2 serious bodily injury to any person, no deadly force warning was given prior to the
3 use of deadly force, and there were reasonable less-intrusive alternatives to the use
4 of deadly force available to said Defendants.

5 24. Upon information and belief, Defendants BELL, WALTERMIRE,
6 DOES 1-10 were not responding to a serious or violent crime, the Defendants did
7 not have any information that Plaintiff SOLIS had just committed or was about to
8 commit a serious or violent crime and had no information that Plaintiff SOLIS had
9 just harmed or was threatening to harm any person or law enforcement officer.

10 25. Upon information and belief, Plaintiff SOLIS was shot in the back by
11 Defendant BELL.

12 26. The use of deadly force against Plaintiff SOLIS by Defendant BELL
13 was excessive and unreasonable because immediately prior to and at the time of the
14 use of deadly force: Plaintiff SOLIS was not an immediate threat of death or serious
15 bodily injury to any person; Plaintiff SOLIS was not given a verbal warning that
16 deadly force was going to be used; and Defendant BELL had reasonable, less-
17 intrusive alternatives to the use of deadly force at the time available to them, and
18 failed to use those alternatives, and failed to exhaust those alternatives.

19 27. After he was shot, Plaintiff SOLIS fell to the floor, surrendered, and sat
20 against a wall as he was severely wounded.

21 28. Thereafter, Defendants WALTERMIRE and DOE DEPUTIES charged
22 through a fence gate, and Defendant WALTERMIRE dropped to the ground and
23 immediately and indiscriminately fired rounds at Plaintiff SOLIS, striking him
24 several times.

25 29. The use of deadly force against Plaintiff SOLIS by Defendant
26 WALTERMIRE was excessive and unreasonable because immediately prior to and
27 at the time of the use of deadly force: Plaintiff SOLIS was not an immediate threat
28 of death or serious bodily injury to any person; Plaintiff SOLIS was not given a

1 verbal warning that deadly force was going to be used; and Defendant
2 WALTERMIRE had reasonable, less-intrusive alternatives to the use of deadly
3 force at the time available to him, failed to use those alternatives, and failed to
4 exhaust those alternatives.

5 30. Defendants unreasonably escalated the situation when they began using
6 deadly force against Plaintiff SOLIS, causing him great fear, pain, and harm.

7 31. Throughout the incident, the Defendants displayed negligent tactics,
8 prior to, during, and after their uses of deadly force, including, but not limited to
9 their: positioning, planning, communication, use of force, escalating the situation,
10 and failing to de-escalate the situation.

32. Further, Defendants' actions and inactions were unreasonable and in violation of basic officer training.

13 33. As a direct and proximate result of the individual Defendants' actions,
14 omissions, misjudgments, including their use of excessive and unreasonable force,
15 Plaintiff SOLIS was caused to suffer great physical and mental pain and suffering,
16 harm, injury, damages, loss of enjoyment of life, and permanent injury.

FIRST CLAIM FOR RELIEF

Fourth Amendment—Excessive Force (42 U.S.C. §1983)

(Plaintiff against Defendant BELL, WALTERMIRE and DOES 1-10)

21 34. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
22 through 33 of this Complaint with the same force and effect as if fully set forth
23 herein.

24 35. The Defendants BELL, WALTERMIRE and DOES 1-10 were acting
25 under the color of state law and within the course and scope of their employment.

36. Defendants BELL, WALTERMIRE and DOES 1-10 used excessive
force against Plaintiff SOLIS when they fired lethal rounds, striking Plaintiff
SOLIS. Defendants' unjustified shooting and other uses of force, deprived Plaintiff

1 SOLIS of his right to be secure in his person against unreasonable searches and
2 seizures as guaranteed to Plaintiff SOLIS under the Fourth Amendment to the
3 United States Constitution and applied to state actors by the Fourteenth Amendment.

4 37. Defendants violated Plaintiff SOLIS' Fourth Amendment rights when
5 they used excessive and unreasonable force against Plaintiff SOLIS, firing several
6 lethal rounds at him, when Plaintiff SOLIS was not an immediate threat of death or
7 serious bodily injury at the time, there were other reasonable alternatives to the use
8 of deadly force, and no verbal warning was given prior to the shots that deadly force
9 would be used.

10 38. As a result of the foregoing, Plaintiff SOLIS suffered great physical and
11 mental pain and suffering, loss of enjoyment of life, and permanent injury.

12 39. The conduct of Defendants was willful, wanton, malicious, and done
13 with reckless disregard for the rights and safety of Plaintiff SOLIS, and therefore
14 warrants the imposition of exemplary and punitive damages as to Defendants.

15 40. As a result of their misconduct, Defendants are liable for Plaintiff
16 SOLIS' injuries, either because they were integral participants in the use of excessive
17 force, or because they failed to intervene to prevent these violations.

18 || 41. Plaintiff SOLIS seeks compensatory and punitive damages.

19 || 42. Plaintiff SOLIS also seeks reasonable statutory attorneys' fees and costs.

SECOND CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

(Plaintiff against Defendants COUNTY and DOE SUPERVISORS)

24 43. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
25 through 42 of this Complaint with the same force and effect as if fully set forth
26 herein.

27 44. The Defendant WALTERMIRE, DOE DEPUTIES, and DOE
28 SUPERVISORS were acting under the color of state law and within the course and

1 scope of their employment with Defendant COUNTY and RCSD.

2 45. The acts of Defendants deprived Plaintiff SOLIS of his particular rights
3 under the United States Constitution as alleged herein.

4 46. Upon information and belief, a final policymaker, including DOE
5 SUPERVISORS, ratified Defendants acts and the bases for their actions. Upon
6 information and belief, the final policymaker knew of and specifically approved of
7 Defendants' conduct and the bases for them, including their actions and inactions,
8 pre-shooting tactics, and use of deadly force.

9 47. Upon information and belief, the written policies and basic officer
10 training with respect to the incident include that law enforcement officers are not to
11 use deadly force against an individual unless the individual poses an immediate risk
12 of death or serious bodily injury to the officers or others. The Defendants' actions
13 deviated from these written policies and basic law enforcement training because
14 Plaintiff SOLIS did not pose an immediate threat of death or serious bodily injury to
15 the involved law enforcement officers or anyone else.

16 48. Upon information and belief, a final policymaker has determined (or will
17 determine) that the acts of Defendants were "within policy," and have ratified
18 multiple prior incidents of the use of excessive force, including excessive less-lethal
19 force and deadly force.

20 49. Upon information and belief, the Defendant COUNTY approved of the
21 Defendant WALTERMIRE and DOE DEPUTIES' actions and inactions, after which
22 Defendant COUNTY officials, including DOE SUPERVISORS, found the
23 Defendants' conduct was within the official policies of the Defendant COUNTY
24 and/or consistent with COUNTY deputies' basic training. On information and belief,
25 the basis for such approval was based on the Defendants' self-serving statements,
26 despite evidence that Plaintiff SOLIS was not an immediate threat of death or serious
27 bodily injury to anyone at the time the excessive force was used, reasonable
28 alternatives were available, and no warning was given.

1 50. Upon information and belief, after this incident, Defendant
2 WALTERMIRE and DOE DEPUTIES were not disciplined, reprimanded, retrained,
3 provided additional training, suspended, or otherwise penalized in connection with
4 their conduct in this incident.

5 51. Upon information and belief, the following are only a few examples of
6 cases where the RCSD deputies were not disciplined, reprimanded, retrained,
7 suspended, or otherwise penalized in connection with the underlying acts giving rise
8 to the below lawsuits, which indicates that the COUNTY routinely ratifies such
9 behavior:

- 10 a. In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
11 01603, Defendant COUNTY settled with the family of a man who
12 was attacked by a K-9 and shot by COUNTY sheriff's deputies.
- 13 b. In *Howard v. County of Riverside, et al.*, case number 5:12-cv-
14 00700, Defendant COUNTY argued that the use of deadly force
15 against an unarmed individual was reasonable; a federal jury found
16 otherwise and returned a verdict in favor of plaintiff, an unarmed
17 man who suffered a severe brain injury and partial paralysis after a
18 use of force by a COUNTY sheriff's deputy.
- 19 c. In *Travillion v. County of Riverside*, case number EDCV 14-0003
20 VAP (DTBx), the COUNTY settled with the family of a man who
21 was killed as a result of a use of force by a COUNTY Sheriff's
22 deputy.
- 23 d. In *Bosch v. County of Riverside*, case number EDCV 13-02352
24 (SVW) (FFM), the COUNTY settled with the family of an unarmed
25 man who was killed by a use of force by a COUNTY Sheriff's
26 deputy.
- 27 e. In *Castillo v. County of Riverside*, case number EDCV 13-00789
28 VAP (SPx), the COUNTY settled with the family of a man who was

killed by a use of force by a COUNTY sheriff's deputy.

f. In *Munoz v. County of Riverside*, case number RIC120794, plaintiff argued that the involved COUNTY Sheriff's deputy used deadly force against her son at a time when he posed no immediate threat. The jury in that case returned a verdict in favor of plaintiff.

g. In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-1767, Defendant COUNTY settled with the family of an unarmed man who was killed by a use of force by a COUNTY Sheriff deputy.

10 52. Upon information and belief, Defendant COUNTY, through its officials,
11 had either actual or constructive knowledge of the deficient policies, practices and
12 customs alleged herein. Despite having knowledge as stated herein, these Defendant
13 COUNTY officials condoned, tolerated and through actions and inactions thereby
14 ratified such deficient policies. In doing so, said Defendant COUNTY officials acted
15 with deliberate indifference to the foreseeable effects and consequences of these
16 deficient policies, including their policy of ratification, with respect to the
17 constitutional rights of Plaintiff SOLIS and other individuals similarly situated.

18 53. By perpetrating, sanctioning, tolerating, and ratifying the outrageous
19 conduct and other wrongful acts, Defendant COUNTY officials acted with
20 intentional, reckless, and callous disregard for the life and rights of Plaintiff SOLIS.
21 Furthermore, the policies, practices, and customs implemented, maintained, and still
22 tolerated by Defendant COUNTY and its officials were affirmatively linked to and
23 were a significantly influential force behind the injuries of Plaintiff SOLIS.

24 54. Accordingly, Defendants COUNTY and each are liable to Plaintiff for
25 compensatory damages under 42 U.S.C. §1983.

26 55. The conduct of the Defendant DOE SUPERVISORS was willful,
27 wanton, malicious, and done with reckless disregard for the rights and safety of
28 Plaintiff SOLIS, and therefore warrants the imposition of exemplary and punitive

1 damages as to the Defendant SUPERVISORS.

2 56. Plaintiff SOLIS seeks compensatory and punitive damages.

3 57. Plaintiff SOLIS also seeks reasonable statutory attorneys' fees and costs.

THIRD CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. §1983)

(Plaintiff against Defendants COUNTY and DOE SUPERVISORS)

8 58. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
9 through 57 of this Complaint with the same force and effect as if fully set forth
10 herein.

11 59. The Defendant WALTERMIRE, DOE DEPUTIES, and DOE
12 SUPERVISORS were acting under the color of state law and within the course and
13 scope of their employment with Defendant COUNTY and RCSD.

14 60. The acts of Defendants deprived Plaintiff SOLIS of his particular rights
15 under the United States Constitution as alleged herein.

16 61. The training policies of Defendants COUNTY were not adequate to train
17 its deputies to handle the usual and recurring situations with which they must deal.
18 This includes training with respect to tactics, the use of force, including deadly force,
19 de-escalation techniques, controlling deputy emotions and fears, inappropriate
20 “shoot/don’t shoot” scenarios in training that promote the use of unreasonable force,
21 and continually assessing a situation to justify every shot fired. In addition to failing
22 to train deputies to safely handle obvious, recurring situations, Defendant COUNTY
23 affirmatively chose a policy it knew was likely to lead to, and in fact had previously
24 led to, deprivations of constitutional rights including unreasonable seizures in
25 violation of the Fourth Amendment.

62. Defendants COUNTY and DOE SUPERVISORS were deliberately
indifferent to the obvious consequences of its failure to train its deputies adequately,
including training with respect to tactics, the use of force, including deadly force, and

1 de-escalation techniques.

2 63. The failure of Defendant COUNTY to provide adequate training caused
3 the deprivation of Plaintiff SOLIS' rights by Defendants; that is, Defendants' failure
4 to train is so closely related to the deprivation of Plaintiff SOLIS' rights as to be the
5 moving force that caused the ultimate injury.

6 64. On information and belief, Defendant COUNTY failed to train
7 Defendants properly and adequately, including regarding the following:

- 8 a. Not providing adequate time and resources for deputies to train
9 when the training does exist, so that the deputies can rely on that
10 training during incidents.
- 11 b. Not enforcing the basic training standards, when they do exist, that
12 are designed to prevent deputies from using excessive and
13 unreasonable force.
- 14 c. Not adequately providing recurring training so that deputies do not
15 lose necessary perishable skills, and not re-training deputies who
16 have used force in the field.
- 17 d. Effective communication to enable deputies to gain cooperation and
18 voluntary compliance in stressful situations.
- 19 e. Effective communication as a basic element of the use of force; the
20 goal of which to gain voluntary compliance without resorting to
21 physical force, especially deadly force.
- 22 f. That the use of deadly force is the most serious decision a peace
23 officer may ever have to make, and such a decision should be
24 guided by the reverence for human life and used only when other
25 means of control are unreasonable or have been exhausted.
- 26 g. Reverence for life as the foundation on which the use of deadly
27 force rests. Deadly force is always the last resort to be used in the
28 darest of circumstances. The authority to use deadly force is an

awesome responsibility given to peace officers by the people who expect them to exercise that authority judiciously. In the law enforcement/community partnership, the expectation that peace officers are self-disciplined and accountable.

- h. Self-control as one of a peace officer's greatest assets in dealing with a person or a situation.
 - i. Unreasonable fear includes overreactions to true potential threats as well as reactions to unreal threats based on prejudice or poor application of experience.
 - j. Unreasonable fear can be responsible for inappropriate responses such as a failure to respond or responding inappropriately (using unreasonable force).
 - k. Unreasonable force occurs when the type, degree, and duration of force employed was neither necessary nor appropriate.
 - l. The community expects that its peace officers will use only reasonable amounts of force and only use deadly force when absolutely necessary. Likewise, it expects that someone, including peace officers, will intervene if reasonable force is exceeded.
 - m. Use of other techniques to the use of deadly force including but are not limited to de-escalation, communication, conflict resolution, defensive tactics, less-lethal force, and use of time and distance.
 - n. That a deputies' subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that requires instant attention.
 - o. Training with respect to tactics.
 - p. Training with respect assessing when it is appropriate to use of force, including deadly force, and training on how much force is appropriate even when some force is appropriate.

1 65. Upon information and belief, the following are only a few examples of
2 cases where the involved deputies were not disciplined, reprimanded, retrained,
3 suspended, or otherwise penalized in connection with the underlying acts giving rise
4 to the below lawsuits, which indicates that the County of Riverside failed to
5 adequately train its deputies with regard to the use of force:

- 6 a. In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
7 01603, Defendant COUNTY settled with the family of a man who
8 was attacked by a K-9 and shot by COUNTY sheriff's deputies.
- 9 b. In *Howard v. County of Riverside, et al.*, case number 5:12-cv-
10 00700, Defendant COUNTY argued that the use of deadly force
11 against an unarmed individual was reasonable; a federal jury found
12 otherwise and returned a verdict in favor of plaintiff, an unarmed
13 man who suffered a severe brain injury and partial paralysis after a
14 use of force by a COUNTY sheriff's deputy.
- 15 c. In *Travillion v. County of Riverside*, case number EDCV 14-0003
16 VAP (DTBx), the COUNTY settled with the family of a man who
17 was killed as a result of a use of force by a COUNTY Sheriff's
18 deputy.
- 19 d. In *Bosch v. County of Riverside*, case number EDCV 13-02352
20 (SVW)(FFM), the COUNTY settled with the family of an unarmed
21 man who was killed by a use of force by a COUNTY Sheriff's
22 deputy.
- 23 e. In *Castillo v. County of Riverside*, case number EDCV 13-00789
24 VAP (SPx), the COUNTY settled with the family of a man who was
25 killed by a use of force by a COUNTY sheriff's deputy.
- 26 f. In *Munoz v. County of Riverside*, case number RIC120794, plaintiff
27 argued that the involved COUNTY Sheriff's deputy used deadly
28 force against her son at a time when he posed no immediate threat.

1 The jury in that case returned a verdict in favor of plaintiff.

2 g. In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-
3 1767, Defendant COUNTY settled with the family of an unarmed
4 man who was killed by a use of force by a COUNTY Sheriff
5 deputy.

6 66. By reason of the aforementioned acts and omissions, Plaintiff SOLIS has
7 suffered past and future pain and suffering, loss of enjoyment of life, and permanent
8 injury.

9 67. Upon information and belief, Defendant COUNTY, through its officials,
10 had either actual or constructive knowledge of the deficient training policies,
11 practices and customs alleged herein. Despite having knowledge as stated herein,
12 these Defendant COUNTY officials condoned, tolerated and through actions and
13 inactions thereby ratified such deficient training. In doing so, Defendant COUNTY
14 officials acted with deliberate indifference to the foreseeable effects and
15 consequences of such deficient training with respect to the constitutional rights of
16 Plaintiff SOLIS and other individuals similarly situated.

17 68. Through its deficient training, Defendant COUNTY officials acted with
18 intentional, reckless, and callous disregard for the life and rights of Plaintiff SOLIS.
19 Furthermore, the deficient training tolerated by Defendant COUNTY and its officials
20 were affirmatively linked to and was a significantly influential force behind the
21 injuries of Plaintiff SOLIS.

22 69. Accordingly, Defendant COUNTY is liable to Plaintiff for
23 compensatory damages under 42 U.S.C. §1983.

24 70. The conduct of the Defendant DOE SUPERVISORS in condoning,
25 maintaining, and providing deficient training was willful, wanton, malicious, and
26 done with reckless disregard for the rights and safety of Plaintiff SOLIS, and
27 therefore warrants the imposition of exemplary and punitive damages as to the
28 Defendant SUPERVISORS.

71. Plaintiff SOLIS seeks compensatory and punitive damages.
72. Plaintiff SOLIS also seeks reasonable statutory attorneys' fees and costs

FOURTH CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)

(Plaintiff against Defendants COUNTY and DOE SUPERVISORS)

7 73. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
8 through 72 of this Complaint with the same force and effect as if fully set forth
9 herein.

10 74. Defendants WALTERMIRE, DOE DEPUTIES, and DOE
11 SUPERVISORS were acting under the color of state law and within the course and
12 scope of their employment with Defendant COUNTY and RCSD.

13 75. Defendants acted pursuant to an expressly adopted official policy or a
14 longstanding practice or custom of Defendant COUNTY.

15 76. On information and belief, Defendants were not disciplined,
16 reprimanded, retrained, suspended, or otherwise penalized in connection with
17 Plaintiff SOLIS' harm.

18 77. Upon information and belief, in addition to those policies alleged above,
19 Defendants COUNTY and DOE SUPERVISORS maintained, inter alia, the
20 following unconstitutional customs, practices, and policies:

- a. Using excessive force, including excessive deadly force.
 - b. Providing inadequate training regarding the use of deadly force.
 - c. Employing and retaining as employees Defendants WALTERMIRE and DOE DEPUTIES, who Defendant COUNTY at all times material herein knew or reasonably should have known used excessive force.
 - d. Inadequately supervising, training, controlling, assigning, and disciplining COUNTY deputies, and other personnel, including

Defendants WALTERMIRE and DOE DEPUTIES, who Defendant COUNTY knew or in the exercise of reasonable care should have known had the propensities to use excessive force.

- e. Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining, and controlling misconduct by COUNTY officials, Defendants WALTERMIRE and DOE DEPUTIES.
- f. Failing to adequately discipline COUNTY deputies, including Defendants WALTERMIRE and DOE DEPUTIES, for the above-referenced categories of misconduct, including “slaps on the wrist,” discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct.
- g. Announcing that unjustified shootings are “within policy,” including shootings that were later determined in court to be unconstitutional.
- h. Even where shootings are determined in court to be unconstitutional, refusing to discipline, terminate, or retrain the officers involved.
- i. Encouraging, accommodating, or facilitating a “blue code of silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of silence,” pursuant to which officials do not report other officials’ errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of misconduct involving another official, while following the code, the official being questioned will claim ignorance of the other officials’ wrongdoing.
- j. Maintaining a policy of inaction and an attitude of indifference towards soaring numbers of law enforcement shootings, including by failing to discipline, retrain, investigate, terminate, and

1 recommend officials for criminal prosecution who participate in
2 unreasonable shootings.

- 3 k. Upon information and belief, COUNTY, including but not limited
4 to RCSD, has an unofficial policy, practice and/or custom of finding
5 almost all—if not all—of its deputy involved shootings to be within
6 policy, of not disciplining its deputies involved in shootings, not
7 retraining or firing deputies involved in shootings, and of not
8 recommending criminal charges against their deputies involved in
9 excessive and unreasonable deputy-involved shootings. As a result,
10 deputies involved in excessive uses of deadly force are allowed back
11 to patrol the streets even though COUNTY knew, or should have
12 known, that these deputies have a propensity for using excessive
13 deadly force against the citizens that the deputies are supposed to
14 protect and serve, especially against minorities and the mentally ill.
- 15 l. Upon information and belief, as a result of COUNTY policy,
16 custom and/or practices, RCSD deputies know that if they use
17 deadly excessive force against someone, they will not be disciplined
18 and their use of force will be found within policy, which results in a
19 significant number of COUNTY deputies being involved in
20 numerous shootings. This policy, custom and/or practice was
21 established by supervising and managerial employees of COUNTY,
22 specifically, those employees tasked with determining whether
23 deputy-involved shootings fall within policy, those employees
24 responsible for disciplining, retraining, and firing employees who
25 use excessive force, and for those employees responsible for making
26 recommendations of criminal charges being filed against deputies
27 who use excessive deadly force; and
- 28 m. Upon information and belief, this policy, custom and/or practice is

1 long lasting and persistent, and existed well before Plaintiff SOLIS
2 was shot by Defendants WALTERMIRE and DOE DEPUTIES.
3 This policy, custom and/or practice was established so that
4 COUNTY deputies do not bear the responsibility for the people that
5 they use excessive deadly force against. This policy, custom and/or
6 practice exists so that the public does not have such a negative
7 perception of COUNTY and its sheriff's department and so that
8 COUNTY can avoid the repercussions associated with its deputies'
9 use of excessive deadly force against citizens, including negative
10 publicity, avoiding criminal prosecution, and avoiding civil liability.
11 A significant reason that this policy, custom and/or practice was
12 established was to avoid COUNTY being liable, under a theory of
13 vicarious liability, for the uses of excessive and unreasonable deadly
14 force by its employees. In other words, there is a large financial
15 incentive for COUNTY to erroneously determine that most, if not
16 all, of its deputies' uses of deadly force are within policy. If
17 COUNTY, through its policymakers and supervisors, would admit
18 that their deputies were at fault for using excessive and
19 unreasonable deadly force, then COUNTY is aware of how much
20 they would have to pay for any associated litigation.

21 78. Defendants COUNTY and DOE SUPERVISORS, together with various
22 other officials, whether named or unnamed, had either actual or constructive
23 knowledge of the deficient policies, practices and customs alleged in the paragraphs
24 above. Despite having knowledge as stated above, these Defendants condoned,
25 tolerated and through actions and inactions thereby ratified such policies. Said
26 Defendants also acted with deliberate indifference to the foreseeable effects and
27 consequences of these policies with respect to the constitutional rights of Plaintiff
28 SOLIS and other individuals similarly situated.

1 79. By perpetrating, sanctioning, tolerating, and ratifying the outrageous
2 conduct and other wrongful acts, DOE SUPERVISORS acted with intentional,
3 reckless, and callous disregard for the life of Plaintiff SOLIS and for Plaintiff SOLIS'
4 constitutional rights. Furthermore, the policies, practices, and customs implemented,
5 maintained, and still tolerated by Defendants COUNTY and DOE SUPERVISORS
6 were affirmatively linked to and were a significantly influential force behind the
7 injuries of Plaintiff SOLIS.

8 80. Based on information and belief, the following are only a few examples
9 of cases evidencing Defendant COUNTY'S unconstitutional policies, where the
10 involved deputies were not disciplined, reprimanded, retrained, suspended, or
11 otherwise penalized in connection with the underlying acts giving rise to the below
12 lawsuits, which indicates that the County of Riverside routinely ratifies such behavior
13 and maintains a practice of allowing such behavior:

- 14 a. In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-cv-
15 01603, Defendant COUNTY settled with the family of a man who
16 was attacked by a K-9 and shot by COUNTY sheriff's deputies.
- 17 b. In *Howard v. County of Riverside, et al.*, case number 5:12-cv-
18 00700, Defendant COUNTY argued that the use of deadly force
19 against an unarmed individual was reasonable; a federal jury found
20 otherwise and returned a verdict in favor of plaintiff, an unarmed
21 man who suffered a severe brain injury and partial paralysis after a
22 use of force by a COUNTY sheriff's deputy.
- 23 c. In *Travillion v. County of Riverside*, case number EDCV 14-0003
24 VAP (DTBx), the COUNTY settled with the family of a man who
25 was killed as a result of a use of force by a COUNTY Sheriff's
26 deputy.
- 27 d. In *Bosch v. County of Riverside*, case number EDCV 13-02352
28 (SVW)(FFM), the COUNTY settled with the family of an unarmed

1 man who was killed by a use of force by a COUNTY Sheriff's
2 deputy.

- 3 e. In *Castillo v. County of Riverside*, case number EDCV 13-00789
4 VAP (SPx), the COUNTY settled with the family of a man who was
5 killed by a use of force by a COUNTY sheriff's deputy.
- 6 f. In *Munoz v. County of Riverside*, case number RIC120794, plaintiff
7 argued that the involved COUNTY Sheriff's deputy used deadly
8 force against her son at a time when he posed no immediate threat.
9 The jury in that case returned a verdict in favor of the plaintiff.
- 10 g. In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-
11 1767, Defendant COUNTY settled with the family of an unarmed
12 man who was killed by a use of force by a COUNTY Sheriff
13 deputy.
- 14 h. In *Arocha v. County of Riverside, et al.*, case number 18-CV-01585,
15 Defendant COUNTY settled with an unarmed man who was beaten
16 unconscious and suffered a traumatic brain injury as a result of force
17 by COUNTY Sheriff's deputies.

18 81. By reason of the aforementioned acts and omissions, Plaintiff SOLIS has
19 suffered past and future pain and suffering, loss of enjoyment of life, and permanent
20 injury.

21 82. Accordingly, Defendant COUNTY is liable to Plaintiff for
22 compensatory damages under 42 U.S.C. §1983.

23 83. The conduct of the Defendant DOE SUPERVISORS in condoning,
24 maintaining, and providing these longstanding unconstitutional policies, customs,
25 and/or practices was willful, wanton, malicious, and done with reckless disregard for
26 the rights and safety of Plaintiff SOLIS, and therefore warrants the imposition of
27 exemplary and punitive damages as to the Defendant SUPERVISORS.

28 84. Plaintiff SOLIS seeks compensatory and punitive damages.

1 85. Plaintiff SOLIS also seeks reasonable statutory attorneys' fees and costs

FIFTH CLAIM FOR RELIEF

Battery (Cal. Govt. Code §820 and California Common Law)

5 (Plaintiff against Defendants WALTERMIRE, DOE DEPUTIES, BELL and DOE
6 OFFICERS in their individual capacity, directly; and Defendants COUNTY and
7 STATE vicariously)

8 86. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
9 through 85 of this Complaint with the same force and effect as if fully set forth
10 herein.

11 87. Defendants WALTERMIRE, DOE DEPUTIES, BELL and DOE
12 OFFICERS, while working as officials for the RCSD and CHP respectively and
13 acting within the course and scope of their duties, intentionally shot Plaintiff SOLIS
14 multiple times and used unreasonable and excessive force against him.

15 88. The use of deadly force against Plaintiff SOLIS by Defendants was
16 unreasonable because Plaintiff SOLIS did not pose an immediate threat of death or
17 serious bodily harm to any person any the time, there were less lethal alternatives,
18 and no verbal warning was given.

19 89. At all relevant times, Plaintiff SOLIS was not an immediate threat of
20 bodily injury to anyone, including Defendants.

21 90. Plaintiff SOLIS never consented to the use of force used against him by
22 Defendants.

91. Plaintiff SOLIS was harmed when he was shot multiple times, and
experienced severe pain and suffering, injury, and damages.

25 92. The Defendants' use of unreasonable force, including deadly force, was
26 the direct cause, proximate cause, and only cause of Plaintiff SOLIS' pain and
27 suffering, injury, harm, and damages. In other words, the unreasonable force was at
28 least a substantial factor in causing Plaintiff SOLIS' pain and suffering, injury, harm,

1 | and damages.

2 93. Defendants caused various injuries as mentioned herein and are liable
3 either because they directly harmed Plaintiff SOLIS or integrally participated in or
4 failed to intervene in the incident, and engaged in other acts and/or omissions around
5 the time of the incident. Defendants' acts and omissions resulted in harmful and
6 offensive touching of Plaintiff SOLIS.

7 94. Defendants are directly liable for their actions and inactions pursuant to
8 Cal. Govt. Code §820(a).

9 95. Defendants COUNTY and STATE are vicariously liable for the
10 wrongful acts of their employees, including Defendants WALTERMIRE, DOE
11 DEPUTIES, BELL and DOE OFFICERS pursuant to section 815.2(a) of the
12 California Government Code, which provides that a public entity is liable for the
13 injuries caused by its employees within the scope of the employment if the
14 employee's act would subject him or her to liability.

15 96. The conduct of Defendants WALTERMIRE, DOE DEPUTIES, BELL
16 and DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a
17 conscious disregard for the rights of Plaintiff, entitling Plaintiff SOLIS to an award of
18 exemplary and punitive damages as to these Defendants.

19 || 97. Plaintiff SOLIS seeks compensatory damages, and punitive damages.

SIXTH CLAIM FOR RELIEF

Negligence (Cal. Govt. Code §820 and California Common Law)

23 (Plaintiff against Defendants WALTERMIRE, DOE DEPUTIES, BELL and DOE
24 OFFICERS in their individual capacity, directly; and Defendants COUNTY and
25 STATE vicariously)

26 98. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
27 through 97 of this Complaint with the same force and effect as if fully set forth
28 herein.

1 99. At all relevant times, Defendants WALTERMIRE, DOE DEPUTIES,
2 BELL and DOE OFFICERS, were working as officials for the RCSD and CHP,
3 respectively, and acting under color of state law and within the course and scope of
4 their duties.

5 100. Peace officers, including Defendants, have a duty to use reasonable care
6 to prevent harm or injury to others. This duty includes using appropriate tactics,
7 giving appropriate commands, giving warnings, and not using any force unless
8 necessary, using less than lethal options, and only using deadly force as a last resort.
9 These duties also include providing proper training and equipment to officials so that
10 they may perform their duties in accordance with the department policies, properly
11 investigate use of force incidents, and punish, re-train, terminate, and/or prosecute
12 violators of those policies and the law.

13 101. Defendants WALTERMIRE, DOE DEPUTIES, BELL and DOE
14 OFFICERS breached their duty of care by their conduct as alleged herein. Upon
15 information and belief, the actions and inactions of Defendants were negligent and
16 reckless, including but not limited to:

- 17 a. The failure to properly and adequately assess the need to use force
18 or deadly force against Plaintiff SOLIS.
- 19 b. The negligent tactics and handling of the situation with Plaintiff
20 SOLIS, including pre-shooting negligence.
- 21 c. The failure to properly train and supervise employees, both
22 professional and non-professional, including Defendants BELL,
23 WALTERMIRE and DOES 1-10.
- 24 d. The negligent handling of evidence and witnesses.
- 25 e. The negligent communication of information during the incident.

26 102. As a direct and proximate result of Defendants' conduct as alleged
27 above, and other undiscovered negligent conduct, Plaintiff SOLIS was caused to
28 suffer severe pain and suffering. In other words, the Defendants' negligence was at

1 least a substantial factor in causing Plaintiff SOLIS' harm, injury, and damages.

2 103. At all relevant times, Plaintiff SOLIS was not an immediate threat of
3 death or serious bodily injury to anyone, including Defendants, no warning was given
4 that deadly force was going to be used prior to the use of deadly force, and less than
5 lethal alternatives were available to Defendants.

6 104. Further, Plaintiff SOLIS' harm, specifically being shot by the
7 Defendants when Plaintiff SOLIS was not an immediate threat of death or serious
8 bodily injury to anyone, ordinarily would not have happened unless Defendants were
9 negligent.

10 105. The harm inflicted by Defendants was caused by something that only the
11 Defendants controlled. The Defendants had control over their firearms, as well as
12 control over the tactical decisions made during the incident.

13 106. As a result of their misconduct, Defendants BELL, WALTERMIRE and
14 DOES 1-10 are liable for Plaintiff SOLIS' injuries, either because they were integral
15 participants in their negligence, or because they failed to intervene to prevent these
16 violations.

17 107. Pursuant to Cal. Gov't Code §820(a), "a public employee is liable for
18 injury caused by his act or omission to the same extent as a private person."

19 108. Defendants COUNTY and STATE are vicariously liable for the
20 wrongful acts of Defendants BELL, WALTERMIRE and DOES 1-10 pursuant to
21 section 815.2(a) of the California Government Code, which provides that a public
22 entity is liable for the injuries caused by its employees within the scope of the
23 employment if the employee's act would subject him or her to liability. Defendants
24 COUNTY and STATE are vicariously liable under California law and the doctrine of
25 *respondeat superior*.

26 109. Plaintiff seeks attorneys' fees under this claim pursuant to Cal. Code of
27 Civ. Pro. §1021.5 for enforcement of the important rights effecting the public interest
28 that Plaintiff, and those similarly situated, to be free from intimidation and physical

1 | assault by law enforcement as described herein.

2 110. Plaintiff SOLIS seeks compensatory damages, including general and
3 special damages in an amount to be proven at trial.

SEVENTH CLAIM FOR RELIEF

Bane Act (Violation of Cal. Civil Code §52.1)

(Plaintiff against Defendants WALTERMIRE, DOE DEPUTIES, BELL and DOE OFFICERS in their individual capacity, directly; and Defendants COUNTY and STATE vicariously)

10 111. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
11 through 110 of this Complaint with the same force and effect as if fully set forth
12 herein.

13 112. California Civil Code, Section 52.1 (the Bane Act), prohibits any person
14 from using or attempting to use violent acts, threats, intimidation, or coercion to
15 interfere with the exercise or enjoyment by any individuals' rights secured by the
16 Constitution or laws of the United States, or of the rights secured by the Constitution
17 or laws of this state in retaliation against another person for exercising that person's
18 constitutional rights.

19 113. On information and belief, Defendants BELL, WALTERMIRE and
20 DOES 1-10, while working for COUNTY and STATE and acting within the course
21 and scope of their duties, intentionally committed, and attempted to commit acts of
22 violence against Plaintiff SOLIS, including by shooting him without justification or
23 excuse, and by integrally participating and failing to intervene in the above violence.

24 114. When Defendants used excessive and unreasonable force against
25 Plaintiff SOLIS, they intentionally interfered with his civil rights to be free from
26 excessive force.

27 115. Further, the Defendants used excessive and unreasonable force in
28 violation of the Constitution with intent to deprive Plaintiff SOLIS of his

1 Constitutional rights to be free from excessive force.

2 116. On information and belief, Defendants intentionally violated Plaintiff
3 SOLIS' rights to be free from excessive force by demonstrating reckless disregard for
4 his rights when Defendants shot Plaintiff SOLIS.

5 117. Defendants violated Plaintiff SOLIS' Constitutional right to be free from
6 excessive and unreasonable force by peace officers. Defendants intended to violate
7 Plaintiff SOLIS' rights and/or acted with reckless disregard with regard to Plaintiff
8 SOLIS' Constitutional rights, which is evidence that they intended to violate Plaintiff
9 SOLIS' rights.

10 118. The conduct of Defendants was a substantial factor in causing Plaintiff
11 SOLIS' harms, losses, injuries, and damages.

12 119. Defendants COUNTY and STATE are vicariously liable for the
13 wrongful acts of Defendants BELL, WALTERMIRE and DOES 1-10, their
14 respective employees, pursuant to section 815.2(a) of the California Government
15 Code, which provides that a public entity is liable for the injuries caused by its
16 employees within the scope of the employment if the employee's act would subject
17 him or her to liability. Defendants COUNTY and STATE are vicariously liable under
18 California law and the doctrine of *respondeat superior*.

19 120. The conduct of the individual Defendants was malicious, wanton,
20 oppressive, and accomplished with a conscious disregard for Plaintiff SOLIS' rights,
21 justifying an award of exemplary and punitive damages as to those Defendants.

22 121. Plaintiff SOLIS seeks compensatory damages, punitive damages, costs,
23 attorneys' fees, and treble damages under this claim.

24

25

26

27

28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff EDGAR SOLIS requests entry of judgment in his favor and against Defendants COUNTY OF RIVERSIDE, SALVADOR WALTERMIRE, STATE OF CALIFORNIA, MICHAEL BELL, and DOES 1-10, inclusive, as follows:

- A. For compensatory damages in whatever other amount may be proven at trial, under federal and state law.
 - C. For punitive and exemplary damages against the individual defendants in an amount to be proven at trial.
 - D. For statutory damages.
 - F. For reasonable attorneys' fees, and treble damages, including litigation expenses.
 - G. For interests and costs of suit; and
 - H. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: July 31, 2023

**LAW OFFICES OF DALE K. GALIPO
LAW OFFICES OF GRECH & PACKER**

By: _____ */s/ Marcel F. Sincich*

Dale K. Galipo
Trenton C. Packer
Marcel F. Sincich
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff SOLIS hereby submits this demand that this action be tried in front of a jury.

DATED: July 31, 2023

**LAW OFFICES OF DALE K. GALIPO
LAW OFFICES OF GRECH & PACKER**

By: */s/ Marcel F. Sincich*

Dale K. Galipo
Trenton C. Packer
Marcel F. Sincich
Attorneys for Plaintiff